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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,204	01/20/2004	Akira Shimizu	NIT-407	7747

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Mattingly, Stanger & Malur, P.C.
Suite 370
1800 Diagonal Road
Alexandria, VA 22314

EXAMINER

FRANKLIN, RICHARD B

ART UNIT	PAPER NUMBER
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2181

MAIL DATE	DELIVERY MODE
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05/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/759,204

Applicant(s)

SHIMIZU ET AL.

Examiner

Richard Franklin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 2 are pending.

Response to Arguments

2. Applicant's arguments filed 26 March 2007 have been fully considered but they are not persuasive.

Applicant argues that the LPAR-ID of the relied upon reference, US Patent No. 6,820,168 (hereinafter Tanaka), is not equivalent to the program identifier of the present application (See arguments; Page 6 Paragraph 2). However, the Examiner suggests that the two items are equivalent. The program identifier of the present invention is appended to an address. The LPAR-ID (Tanaka; Figure 3 Item 380) is embedded into a data frame (Tanaka; Figure 3 Item 300) behind the logical block address (Tanaka; Figure 3 Item 375). Embedding the LPAR-ID into the data frame at the position behind the logical block address is the same as appending the LPAR-ID to the logical block address. The result of the embedding of Tanaka and the appending of the present application are the same.

Applicant also argues that the relied upon reference, Tanaka, teaches a system implemented in a mainframe computer environment, and that the present invention is not limited to a special computer or a special OS (See arguments; Page 6 Paragraph 2). This argument is not persuasive because not being limited to a certain type of computer system or OS means the method of the present application can be implemented in any computer running any OS. Therefore, the computer system of Tanaka, which is a

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computer running an OS, falls into the category of any computer running any OS. It is also noted that not being limited to a special computer system and a special OS is not a claimed limitation.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 2 recites the limitation "said two output values" in line 18 of the claim.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 – 2 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,820,168 (hereinafter Tanaka).

As per claim 1, Tanaka teaches an IO requesting method of issuing an IO request to a storage apparatus of a computer system by execution of a program in the computer system, wherein a program identifier (Figure 3 Item 380, Figure 4 Items 450 – 452) set in advance in the program (Col 6 Lines 61 – 63) and a separate original request address issued by the program (Figure 3 Item 375) are applied to a first function as two input values that are used to generate one value used as a new address (Figure 3, Figure 9 Item 820, Col 9 Lines 16 – 67 [The device driver takes the IO request and embeds the LPAR-ID, making a new value in the data frame], See “Response to Arguments” presented above), which is different from the original request address, the new address having the program identifier appended thereto (See “Response to Arguments” presented above), and the IO request is issued by using the new address (Figure 9 Item 825).

As per claim 2, Tanaka teaches a computer (Figure 4 Item 110) executing a first program (Figure 4 Items 410, 411, 412, and 413) issuing an IO request (Figure 4 Item 130) to a storage apparatus (Figure 1 Item 170) and a second program (Figure 4 Items 440, 441, and 442) for receiving the IO request and transmitting the IO request as an IO command to the storage apparatus wherein a program identifier set in advance in the first program (Figure 8 Item 710) and an original request address of the IO request issued by the first program are applied to a first function to produce one value (Figure 9 Item 820 [The device driver takes the IO request and embeds the LPAR-ID, making a new value in the data frame], See "Response to Arguments" presented above), which is different from the original request address, the new address having the program identifier appended thereto (See "Response to Arguments" presented above), and the IO request is issued by using the new address (Figure 9 Item 825); the second program (Col 12 Lines 36 – 56) has a table associating at least one program identifier (Figure 6 Items "LPAR"), at least one logical volume existing in the storage apparatus (Figure 6 Item "Logical Volume #0", Col 8 Lines 49 – 52) and at least one network address (Figure 6 Items "WWN") with each other; and if the IO request is an IO request issued to one said logical volume existing in the storage apparatus that is prescribed to be a protected logical volume, a second function which receives the new address as one value and generates the original request address and the program identifier (Col 10 Lines 59 – 66), said table is searched for the at least one network address associated with the generated program identifier and the at least one logical volume indicated by the generated original request address (Col 10 Lines 59 – 66) and a communication

with the storage apparatus is carried out by using the at least one network address as an address of a transmission originator in order to issue an IO command to the original request address (Col 11 Lines 5 – 10).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Franklin whose telephone number is (571) 272-0669. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Richard Franklin
Patent Examiner
Art Unit 2181


DONALD SPARKS
SUPERVISORY PATENT EXAMINER